

B) Remarks:

Claims 1, 3 - 5, 7 - 9 and 11 have been rejected under 35 USC(b) as being anticipated by Small et al., and claim 10 has been rejected under 35 USC 103(a) as being unpatentable over Small in view of Dixon et al. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant has amended independent claims 1 and 5 to more specifically define the present invention over the cited art. Claims 1 and 5 as now amended specify that the screw head seat or bowl be positioned on an upper side of the second screw receiving socket element and the elongate through slot has also been indicated to have upper and lower edges. Lastly, claims 1 and 5 further define that portions of a screw head of a fixation screw are not only “seated in said second socket element” but also protrude through the second socket element passage and engage “upper edges” of the slot “for clamping said second socket element to said arm when said screw is fully secured in a vertebra”. This language very specifically defines the inventive combination of the present invention over and above the disclosure in Small.

The lower surfaces 51 of the screw head shown in FIG. 4 of Small, or for that matter even the lower surfaces 32 of the nut shown in FIG. 1 of Small, are seated in a screw head seat on the upper side of the element 52 or 35. However, these same portions do not further extend or protrude through the second socket element passage and “engage upper edges of said slot for clamping said second socket element to said arm when said screw is fully secure in a vertebra”. Therefore,

particularly in view of the foregoing amendments, Small does not even suggest, let alone anticipate, the claimed combination of the present invention as now presented.

Accordingly, reconsideration with formal notice of allowance is requested. Should the Examiner require any additional minor amendments in order to place the claims in condition for allowance, it is suggested that the Examiner telephone the undersigned so that any such amendments may be accomplished by Examiner's Amendment.

Respectfully submitted,

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